

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DUKHAN MUMIN,

Petitioner,

vs.

BRAD HANSEN,

Respondent.

8:18CV102

**MEMORANDUM
AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus¹ ([Filing No. 1](#)) and a Motion for Leave to Proceed in Forma Pauperis ([Filing No. 2](#)). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this court (*see* inmate trust account statement at [Filing No. 7](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. *See* [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Proceed in Forma Pauperis ([Filing No. 2](#)) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

¹ Petitioner used the form for a petition for writ of habeas corpus under [28 U.S.C. § 2241](#), but Petitioner's habeas action is properly classified as being brought pursuant to [28 U.S.C. § 2254](#) as he indicates he is being held pursuant to a state criminal conviction. (*See* [Filing No. 1](#).)

2. The clerk of the court is directed to change the designation of this case in CM/ECF from “2241” to “2254” and add the Nebraska Attorney General as an interested party.

Dated this 28th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge